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Attorneys for Defendant/Third Party Plaintiff

Our File #42044-D/B

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

A. PETER SALAS, M.D.	:
	:
Plaintiff,	: Civil Action No. 2:11-cv-07391
	:
-vs-	:
	:
ESTATE OF JAMES REID,	:
	:
Defendant.	:
-----	:
DORA REID, as	:
Administratrix Ad	:
Prosequendum of the ESTATE	:
OF JAMES REID,	:
	:
Defendant/Third	:
Party Plaintiff,	:
	:
-vs-	:
	:
EASTERN BENEFITS SYSTEMS, a	:
Division of MSC, Inc.,	:
BEECH STREET CORPORATION,	:
and EBS-RMSCO, Inc.,	:
DIMENSIONAL MERCHANDISING,	:
INC.	:
	:
Third Party	:
Defendants.	:

AMENDED THIRD PARTY COMPLAINT FOR DECLARATORY JUDGMENT

Defendant/Third Party Plaintiff, Dora Reid as Ad Administratrix Prosequendum of the Estate of James Reid ("Reid"), residing at 261 Isabella Avenue, Irvington, New Jersey 07111, by way of Third Party Amended Complaint against third party defendants Eastern Benefits Systems ("EBS",) Beech Street Corporation ("Beech Street"), and EBS-RMSCO, Inc., Dimensional Merchandising, Inc. ("Dimensional") says:

PARTIES

1. At all times relevant hereto, Reid was a citizen of New Jersey residing at 261 Isabella Avenue, Irvington, New Jersey 07111.

2. Beech Street is an insurance company authorized to do business in the State of New Jersey with a principle place of business located at 25500 Commecentre Drive, Lake Forest, California 92630-8855.

3. Beech Street is engaged in the business of writing medical health insurance policies.

4. Upon information and belief, EBS is a claims service company handling claims made against Beech Street for medical insurance and/or is engaged in the business of writing medical health insurance policies, with offices located at 200 Freeway Drive East, East Orange, New Jersey 07018.

5. Upon information and belief, EBS-EMSCO, Inc. is a health insurance company and is engaged in the business of writing health insurance policies, with offices located at 81 Wolf Road, Suite 403, Albany, New York 12205.

6. Upon information and belief, Dimensional Merchandising, Inc. is a corporation authorized to do business in the State of New Jersey with a principal place of business located at 86 North Main Street, Wharton, New Jersey 07885, which maintains an ERISA plan under which James Reid maintained health insurance.

JURISDICTION AND VENUE

1. This Court has subject matter jurisdiction under 28 U.S.C. §1331 because it is a civil action involving and arising under one or more federal statutes including the Employee Retirement Income Security Act, 29 U.S.C. §1001, et. seq.

2. Venue is proper in the District of New Jersey because, pursuant to 28 U.S.C. §1391(a)(2), the events, activity, and omissions giving rise to the claims set forth occurred in the District of New Jersey.

FIRST COUNT

1. On or about June 12, 2006 through July 3, 2006, Reid was insured by Beech Street, EBS-RMSCO, Inc., Dimensional and/or EBS.

2. It is alleged by Dr. Peter A. Salas, ("Dr. Salas") plaintiff in this action (the "Underlying Action"), that medical services were rendered by him to Reid.

3. Beech Street, EBS, Dimensional and EBS-RMSCO, Inc., have breached their obligations to Reid by failing to pay Dr. Salas for the alleged medical treatment supplied by Dr. Salas while Reid was covered by a medical health insurance policy through Beech Street, EBS-RMSCO, Inc. Dimensional and/or EBS.

4. As a result of the institution of the Underlying Action by Dr. Salas against Reid, and the failure of Beech Street, EBS-RMSCO, Inc., Dimensional and/or EBS, to provide coverage for the claims, Reid has incurred, and will continue to incur, substantial liability and costs and expenses in relation to the defense of the Underlying Action.

5. As a result of their breach of the health insurance policy, Beech Street, EBS-RMSCO, Inc., Dimensional and/or EBS, are liable to Reid for damages in an amount asserted by Dr. Salas in the Underlying Action as well as costs for investigation, defense, damages, costs and payments (whether by judgment, settlement or otherwise), and all other sums incurred to date, or which may be incurred by Reid, together with the costs and disbursements of this action, including, but not limited to, reasonable attorneys fees and prejudgment interest.

6. By reason of the foregoing, an actual and justiciable controversy exists between Reid and Beech Street, EBS-RMSCO, Inc., Dimensional and EBS concerning the obligations of Beech Street,

EBS-RMSCO, Inc., Dimensional and/or EBS, to pay claims and to cover the medical bills alleged by Dr. Salas in the Underlying Action.

WHEREFORE, Reid requests entry of judgment against Beech Street, EBS-RMSCO, Inc. Dimensional and/or EBS, declaring and determining that Beech Street, EBS-RMSCO, Inc., Dimensional and/or EBS, is obligated under the health insurance policy to pay the claims asserted by Dr. Salas in the Underlying Action and awarding such other and further relief as the Court may deem just, equitable and proper, including attorneys' fees incurred by Reid in defending the Underlying Action and prosecuting this Declaratory Judgment Action.

BENDIT WEINSTOCK
Attorneys for Defendant/Third
Party Plaintiff

Dated: May 7, 2012

By: /s/ K. Raja Bhattacharya
K. RAJA BHATTACHARYA

JURY DEMAND

Pursuant to Fed. R. Civ. P. 38(b), Third Party Plaintiff demands a trial by jury of any issue triable of right by a jury.

BENDIT WEINSTOCK
Attorneys for Defendant/Third
Party Plaintiff

Dated: May 7, 2012

By: /s/ K. Raja Bhattacharya
K. RAJA BHATTACHARYA

RULE 11.2 CERTIFICATION

Pursuant to L. Civ. R. 11.2, the undersigned counsel for the Third Party Plaintiff hereby certifies that the matter in controversy is not the subject of any other action pending in any court, or of any pending arbitration or administrative proceeding.

Dated: May 7, 2012

/s/ K. Raja Bhattacharya
K. RAJA BHATTACHARYA